

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12473, of the Highpoint Town-houses, Inc. pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3105.42 to modify a residential development previously approved by the Board of Zoning Adjustment in Case 11785 in the R-5-A District at the premises 1010 through 1044 Barnaby Terrace, S. E., (Square 592, part of Lot 22).

HEARING DATE: June 28, 1978

DECISION DATE: September 6, 1978

FINDINGS OF FACT:

1. The subject site is located in the R-5-A District fronting on Barnaby Terrace northeast of Wheeler Road, S. E., and is known as 1010 through 1044 Barnaby Terrace.

2. The total area of Lot 22 is approximately 71,357 square feet. Of the 71,357 square feet, approximately 31,000 square feet was rezoned by the Zoning Commission from R-5-A to C-1 in Order No. 214, dated April 13, 1978. This action reduced the area to be devoted to the residential development to approximately 41,300 square feet in lot 22, and required adjustments to the plans previously approved by the Board.

3. The applicant herein requests a modification of site plans previously approved by the Board in BZA Order No. 11785, dated January 7, 1975, as modified by order dated March 1, 1976. The original site plans called for the construction of 175 single family units with 236 parking spaces.

4. For the entire lot 22, the site plan as originally approved by the Board proposed thirty dwelling units with forty parking spaces. The units were arranged in five groups of six units each, including three groups of units facing one parking area with eighteen spaces and two groups of units facing another parking area containing twenty-two spaces. This arrangement is shown on Exhibit M-4 of the plans contained in the file of the previous application, No. 11785.

5. The modification as originally proposed by the applicant reduced the number of dwelling units from thirty to eighteen, a reduction of twelve units. The number of parking spaces would be reduced from forty to sixteen, or reduction of twenty-four spaces.

6. The proposed modification would have eliminated two rows of six units each closest to Wheeler Road and rearranged the other three rows of six units each in a "U" shape with parking within the court in front of the dwellings.

7. The theoretical lots which accommodate the three groups of housing units on Lot 22 would have had a total floor area ratio of 0.95 and a total lot occupancy of forty-seven percent. The permitted FAR for the lot would have been exceeded by .05 and the permitted lot occupancy of forty percent exceeded by seven percent. However, the aggregate FAR and lot occupancy for the total Highpoint Barnaby development will remain within the requirements of the R-5-A District, as permitted by the Zoning Regulations.

8. The proposed modification would still provide one parking space for each dwelling unit as required in an R-5-A District. Parking for visitors and overflow would be reduced by twelve spaces.

9. There is an eight foot wide buffer strip shown on the original proposal between the rear yards of the proposed units and the C-1 zoned land. No landscaping in this buffer area was indicated.

10. In its order rezoning a portion of the property to C-1, the Zoning Commission found that: "... the Board of Zoning Adjustment can impose upon the applicant sufficient requirements and conditions to assure that there will be adequate screening and buffering between the proposed commercial facility and the directly abutting residential property. This will assure that any change in zoning of the subject property to C-1 will have a minimum impact upon the adjoining residential development."

11. The Municipal Planning Office by memorandum dated, June 26, 1978, recommended that the application be approved with the following conditions:

- A. The number of housing units should be reduced from eighteen to fifteen to provide space for required off-street parking, and the FAR and lot occupancy should be reduced to a comparable level with other sections of Highpoint Barnaby development.
- B. A six foot solid brick wall and also landscaping should be provided along the south side of the residential development to provide effective screening and separation from the proposed commercial development on the C-1 Zone portion of the lot.

12. By letter dated August 9, 1977 the public schools of the District of Columbia reviewed the application and found no objections to the proposed modification to the site plan configuration.

13. By memorandum dated June 30, 1977 the application was reviewed by the Department of Transportation and no adverse impacts were identified.

14. The Department of Housing and Community Development was notified of the application by memorandum dated June 30, 1977, but no report was received.

15. At the public hearing held on June 28, 1978, the Board was concerned that the applicant had not adequately protected the proposed residences from the adjoining commercial development. The Board requested the applicant to submit alternative proposals for arrangement of the site. The Board also requested the applicant to submit plans for the building proposed to be erected on the commercial portion of the lot.

16. By letter dated August 14, 1978, the applicant submitted copies of two alternative site plans and plans for the locations of the commercial building. One alternative plan showed eighteen units and twenty-two parking spaces, with twelve units of the arrangement in a mews configuration adjacent to the commercial area, and the parking between the mews and the other six units. The second alternative contained the same number of units and parking spaces, but located the parking spaces adjacent to the commercial area. The Board finds that the latter plan, as hereinafter conditioned will adequately protect the proposed residences, by separating them the greatest distances from the commercially zoned area.

17. The floor area ratio of the buildings to be built under the revised site plans would be 0.75 and 0.78, less than the maximum of 0.9 permitted. The lot occupancy of the buildings would be thirty-seven and thirty-nine percent, less than the maximum of forty per cent permitted.

18. There was no report from Advisory Neighborhood Commission 8-C.

19. There was no opposition to the case.

#### CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the proposed modifications are consistent with the intent and purpose of the original approval, as modified by the change of zoning. The Board concludes that

the modifications approved will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely, the use of neighboring property in accordance with said Zoning Regulations and Maps. The Board concludes that the second alternative proposed by the applicant, labeled as "scheme 3," will best protect the residents of the townhouses from the commercial areas, and will carry out the intent of the Zoning Commission in its order rezoning the commercial property. Accordingly it is ordered, that the application is GRANTED subject to the following conditions.

1. The project shall be developed in accordance with the plans marked as scheme 3 of Exhibit 38 in the record.
2. The applicant shall provide a six foot high wood stockade fence along the southeast side of the site, as shown on the site plan marked as Exhibit 38, including a twelve inch high concrete curb on the side of the fence adjacent to the driveway which will adjoin the site.
3. Canadian hemlock trees shall be planted in the six foot buffer strip adjacent to the southeast side of the parking lot. Such trees shall have a minimum initial height of six feet and shall be spaced twelve feet on center.
4. Wheel stops shall be provided on the parking lot such that cars will not extend beyond the surface of the lot.

Vote: 3-0 (Chloethiel Woodard Smith, William F. McIntosh, Charles R. Norris to grant. Leonard L. McCants not voting, not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

  
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Steven E. Sher  
Executive Director

FINAL DATE OF ORDER: 26 SEP 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.